

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-051011

03/15/2012

HONORABLE MICHAEL D. GORDON

CLERK OF THE COURT

J. Hill

Deputy

IN RE THE MATTER OF
JOSEPH SCHWARZ

REBECCA MARIE MARQUIS

AND

CHRISTY HERMANN

DOUGLAS A DALY

AZ DEPARTMENT OF VITAL
RECORDS
CONCILIATION SERVICES-NE
DOCKET - NE
FAMILY COURT SERVICES-CCC

JUDGMENT / DECREE - PATERNITY

Northeast Facility, Courtroom 108

8:21 a.m. This is the time set for a Temporary Orders Hearing regarding Petitioner's Petition for Temporary Orders of Child Custody and Parenting Time filed February 10, 2012. Petitioner/Father Joseph Schwarz is present and represented by counsel, Rebecca Marie Marquis. Respondent/Mother Christy Hermann is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-051011

03/15/2012

Joseph Schwarz and Christy Hermann are sworn.

Discussion is held regarding status of the case and pending issues.

The Court is advised that the parties have reached an agreement, which is more fully set forth on the record and can be generally summarized as follows:

- The parties agree that Petitioner is the biological father of the minor child herein.
- On a temporary basis, until further order of the Court, Father will have parenting time from Tuesday at 12:00 p.m. until Thursday at 2:00 p.m. every week, and from Saturday at 12:00 p.m. until Sunday at 2:00 p.m. every other week. Father's first weekend visit will take place March 24, 2012.
- Mother will take the child to Father at the beginning of Father's parenting time and Father will take the child to Mother at the end of Father's parenting time.

Petitioner and Respondent, previously sworn, now testify that they have heard and understood the agreement as stated on the record and that it is accurate.

The Court finds that the agreement entered into between the parties is fair, reasonable and in the best interests of the parties' minor child.

The Court further finds that the parties have knowingly, voluntarily and intelligently entered into the agreement, without duress or coercion, and that the parties are fully informed as to the contents of this agreement.

IT IS THEREFORE ORDERED approving and adopting the agreement of the parties, as stated on the record, as a binding agreement pursuant to Rule 69, Arizona Rules of Family Law Procedure.

Based upon the testimony and evidence presented, and pursuant to stipulation of the parties,

THE COURT FINDS that Joseph Schwarz, born April 5, 1976, is the natural father of the minor child, Charlie Schwarz, born March 30, 2011 to Christy Hermann, born April 14, 1976.

IT IS ORDERED declaring that Joseph Schwarz, born April 5, 1976, is the natural father of the minor child, Charlie Schwarz, born March 30, 2011 to Christy Hermann, born April 14, 1976.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-051011

03/15/2012

For the above-named child born in the State of Arizona, the Clerk of the Court shall send a copy of this Judgment/Order to the Office of Vital Records, Department of Health Services. The Office of Vital Records, Department of Health Services shall amend, pursuant to A.R.S. § 36-323 and/or §36-337, the birth certificate of the child to include Joseph Schwarz as the natural father, if the name of the natural father does not already appear on the birth certificate.

Information for amendment of an Arizona birth certificate may be obtained from the Office of Vital Records, Department of Health Services, 1818 W. Adams Street, Phoenix, Arizona 85007; Phone (602) 364-1300.

IT IS FURTHER ORDERED referring the parties to Conciliation Services for mediation of child custody and/or parenting-time issues, as appropriate. **Pre-Decree Mediation is set for April 2, 2012 at 1:30 p.m.** The parties will receive a separate notice from Family Court Administration in the near future which will set forth more information regarding the mediation session. The parties shall comply with all instructions issued by Conciliation Services.

WARNING: You will have to pay a \$100 fee if you do not attend the mediation session. If you cannot attend, both parties must notify Conciliation Services and receive permission to reschedule at least three full court days before the session. If you reach a full agreement about custody and parenting time and do not plan to come to the mediation session, both parties must notify Conciliation Services as soon as possible of the settlement to avoid paying this fee.

IT IS FURTHER ORDERED setting a **Trial on June 19, 2012 at 10:00 a.m.** (2 hours allotted) before Honorable Michael D. Gordon located at Maricopa County Superior Court, Northeast Regional Court Center, 18380 North 40th Street, Courtroom 108, Phoenix, AZ 85032.

The Trial will address Petitioner's Petition to Establish Child Custody, Parenting Time and Child Support filed February 10, 2012 and Respondent's response thereto.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to the hearing.

2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-051011

03/15/2012

3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.

IT IS FURTHER ORDERED that the parties shall have a duty to consult before filing any procedural motions (e.g., a Motion to Continue a court date) and advise the Court of the opposing party's position. Movant shall aver that he/she has done so before filing any procedural motions.

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances.
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-051011

03/15/2012

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that, if either party has more than 10 exhibits to be marked, arrangements shall be made with the Clerk of this Division at least 5 days prior to hearing to schedule a time to deliver said exhibits to the Clerk. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-051011

03/15/2012

8:27 a.m. Matter concludes.

IT IS FURTHER ORDERED signing this minute entry as a formal order of the Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

March 15, 2012

/ s / Michael D. Gordon

DATE

HONORABLE MICHAEL D. GORDON
SUPERIOR COURT JUDGE

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.